

FEDERAL COMMUNICATIONS COMMISSION
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August 17, 2006

Mr. Edward T. Czelada
3302 N. Van Dyke
Imlay City, MI 48444

In re: WCZEFM), Harbor Beach, MI
Facility ID No.: 30944
Jennifer & Edward Czelada
BMPH-20041020ADM

Dear Applicant:

This is in reference to: (1) the above captioned construction permit granted March 18, 2002; (2) the Petition for Reconsideration ("petition") filed January 6, 2005 on behalf of Thumb Broadcasting, Inc. ("Thumb"); and (3) the Opposition to Petition for Reconsideration ("opposition") filed January 26, 2005 by the permittee, Jennifer & Edward Czelada ("Czelada").

The petition requested reconsideration of the grant of the construction permit. In the petition, it is stated that the facility does not provide 70 dBu city grade coverage as required by 47 C.F.R. § 73.315. Therefore, it is argued that the grant should be rescinded and the application dismissed. In Footnote 7 of the opposition, Czelada stated that the facility will provide 70 dBu city grade coverage over the entire principal community using standard engineering practices.

Our study, based upon the contour prediction method specified in 47 C.F.R. § 73.313, shows that the 70 dBu contour would not cover the community of license as required by § 73.315. In the opposition, Czelada stated that, upon request, they are "willing to demonstrate their determination" that the community of license would be covered. However, as of this date no showing has been submitted.

In light of the above, we find that the application was not acceptable because it violates § 73.315. Therefore, the January 6, 2005 Petition for Reconsideration IS HEREBY GRANTED. Accordingly, the grant of BMPH-20041020ADM IS RESCINDED and the application IS HEREBY REINSTATED to pending status. This action is taken pursuant to 47 C.F.R. § 0.283. However, pursuant to 47 C.F.R. § 73.3522(c)(2), "...an applicant whose application is found to meet minimum filing requirements, but nevertheless is not complete and acceptable, shall have the opportunity during the period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, 47 C.F.R. § 73.3564(a)(3) states

that, "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for corrective amendment." See Appendix B in the *Report and Order* in MM Docket No. 91-347, 7 FCC Rcd 5074, 57 Fed. Reg. 34872, released July 27, 1992. This letter constitutes Czelada's opportunity for corrective amendment pursuant to § 73.3522(c)(2).

Accordingly, further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide Czelada an opportunity to respond. Failure to correct all tender and acceptance defects within this time period will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rodolfo F. Bonacci". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Wiley, Rein & Fielding, LLP